

REMARKS

The clerical error noted by the Examiner has been corrected, and applicant trusts that the objection to Claim 10 will be withdrawn.

Claims 1, 2, 5, 6 - 8, 19 - 21, 23, 32, 33, and 35 have been rejected under 35 U.S.C. §102 as being anticipated by Noda et al. (U.S. 5,583,742). Reconsideration and withdrawal of this rejection is requested.

The device shown in Noda et al. is a portable computer with a so-called "body case" 2. The case is formed in two sections 2a, 2a, each of which has "an inside member 28 made of a synthetic resin and an outside member 29 which covers the outside of the inside member." The outside member is a shock absorbing sheath made of "olefin elastomer, urethane elastomer (*e.g.*, urethane rubber), butyl rubber, or silicone rubber" (Col. 5, lines 46 - 49 and 65 - 67).

At the corners of the case, there are "cushioning portions" 19 which consist of laterally projecting curved parts 20a that extend around the corner and "curvilinear" parts 20b that extend from the laterally extending curved parts and hook partly over the upper or lower face of the case. Those cushioning portions are formed integrally with and of the same shock absorbing material as the outer sheath 29 of the case.

There is an important difference between applicant's invention and the case shown in Noda et al. In applicant's invention, the housing is formed of a rigid material, with at least some of the shock absorbing elements being formed integrally with the housing and of the same rigid material as the housing. There are no shock absorbing elements formed of a rigid material in Noda et al., nor are there any that are formed integrally with a rigid housing.

Claim 1 is being amended to emphasize this important difference. As amended, Claim 1 calls for a housing formed of rigid material to which a fragile element is rigidly mounted, and a plurality of discrete shock absorbing elements projecting outwardly in different directions from the housing for receiving impacts which would otherwise strike the housing from the outside, with at least some of the shock absorbing elements being formed integrally with the housing and of the same rigid material as the housing. Without shock absorbing elements that are formed of a rigid material and formed integrally with a rigid housing, Noda et al. does not anticipate.

Claims 2, 5, 6 - 8, 32, and 33 depend from Claim 1 and are directed to patentable subject matter for the same reasons as their amended parent claim.

Claim 2 further specifies that some of the shock absorbing elements are fabricated of an elastomeric material affixed to the housing. Noda et al. clearly does not show or suggest the combination of shock absorbing elements formed integrally with and of the same rigid material as a housing and other shocking elements that are fabricated of an elastomeric material affixed to the housing.

Claim 5 further distinguishes in specifying that some of the shock absorbing elements are tapered and decrease in cross-sectional area away from the housing. As discussed in applicant's specification, this gradient in flexibility has been found to provide better shock absorption characteristics than bumpers having a uniform cross section throughout their length. No such gradient is found in Noda et al.

Claim 6 further distinguishes in specifying that some of the shock absorbing elements are formed integrally with a gasket which seals two sections of the housing together. Contrary to the Examiner's suggestion, no shock absorbing elements are formed integrally with the endless packing 30 shown in Noda et al. As clearly shown in Figure 8, packing 30 is received in grooves in the facing edges of the two sections of inner case 28 and are totally enclosed therein. Nothing is formed integrally with it.

Claim 7 further distinguishes in specifying that at least some of the shock absorbing elements extend beyond a mounting surface of the housing and are adapted to deflect so as not to prevent the mounting surface from making direct contact with a surface on which the enclosure is installed. The device shown in Noda et al. is a portable computer. There is no mounting surface and no surface on which an enclosure is installed. Moreover, even if one of the six sides of the computer was deemed to be a mounting surface, there is no suggestion in Noda et al. that any of "cushioning portions" would deflect so as not to prevent that surface from making direct contact with another surface.

Claim 8 further distinguishes in calling for a mounting pad which projects from the housing, and a shock absorbing fender spaced laterally from the mounting pad. The elements 20b characterized by the Examiner as mounting pads in Noda et al. are not mounting pads. They are part of the cushioning portions 19 which are intended to protect the computer if it is dropped. Moreover, the elements 20a characterized by the Examiner as fenders are not spaced laterally from the "mounting pads". Finally, the Examiner's argument that the external surface of "fender" 20a is spaced from the corner portion of the housing misses the mark because it is not what the claim calls for. Claim 8 clearly specifies that the fender is spaced laterally from the mounting pad, not from the housing or a corner of the housing.

In order to further clarify the difference between the invention and what is shown in Noda et al., Claim 8 is being amended to call for a gap between the fender and the mounting pad.

Claim 32 further distinguishes in specifying that at least some of the shock absorbing elements are shock absorbing fenders which extend around and are spaced from corner portions of the housing for receiving impacts that would otherwise strike the housing.

Claim 33 depends from Claim 32 and further specifies that the fenders are formed integrally with the housing. It is being amended to still further distinguish in specifying that the fenders are formed of the same rigid material as the housing.

Claim 19 distinguishes over Noda et al. in calling for a housing to which a fragile element is rigidly mounted, a mounting pad which projects from the housing, and a shock absorbing fender spaced laterally from the mounting pad for receiving impacts which would otherwise strike the mounting pad. As discussed above in connection with Claim 8, there is no mounting pad and no shock absorbing fender spaced laterally from a mounting pad in Noda et al., and Claim 19 is being amended to distinguish still further in calling for a gap between the fender and the mounting pad.

Claims 20 - 21 and 23 depend from Claim 19 and are directed to patentable subject matter for the same reasons as their amended parent claim.

Claim 20 is being amended to distinguish ever further in specifying that the housing is formed of a rigid material, and the mounting pad and the fender are formed integrally with the housing and of the same rigid material as the housing.

Claim 21 further distinguishes in specifying that the fender includes a lug which extends beyond a surface of the mounting pad for receiving impacts which might otherwise strike the surface of the pad.

Claim 23 further distinguishes in specifying that the mounting pad is generally circular, and the fender is generally C-shaped. Contrary to the Examiner's suggestion, Noda et al. does not show a generally C-shaped fender spaced from a generally circular mounting pad.

Claims 10 - 12, 17, and 18, previously rejected as being anticipated by Ribeiro (U.S. 6,454,250), have now been rejected under 35 U.S.C. §103 as being unpatentable over Ribeiro. Reconsideration and withdrawal of that rejection is also requested.

In making this rejection, the Examiner has once again misinterpreted what is shown in Figures 4 and 5 of Ribeiro, which is not hard to do. Figure 4 is particularly confusing

because reference numerals 56 and 58 are reversed. Also, at Col. 4, lines 3 - 5, both sections of the casing are referred to as the "bottom casing", whereas the one with bottom edge 62 and screw holes 64 is actually the top section. Unfortunately, the drawings do not show the two sections assembled together with the so-called "elastomeric member" 54 between them. Even worse, Figures 4 and 5 are poorly drawn and can produce optical illusions. In Figure 4, for example, the elements identified by the Examiner as "fenders" are portions of single solid walls even though it may appear to the Examiner that there are both a wall and a fender with a gap between them. The error in that interpretation can be seen by comparing the way the walls are drawn on the near and far sides of the case. If what appear to be a gap and a fender on the near side were actually there, then they would also be on the far side. Instead, the far side clearly shows a single wall.

As pointed out in response to the previous action, a careful examination of Figure 4 will show that what may appear to be a gap and a fender is actually a step in the side wall. Thus, the inner portion of wall extends all the way to the top of the wall, but the outer portion extends only part way up, with a step or ledge between the two portions. When the casing is assembled, the inner portion of the side wall is received in a groove 86 on the under side of elastomeric member 54, and the portion of the elastomeric member labeled "Shock Absorbers" by the Examiner (corresponding to reference numbers 76, 96 in Figure 5) is received in the region above the step or ledge in the side wall, with the outer surface of the elastomeric member flush with the outer surfaces of the side walls of the two sections of the casing. Thus, nothing extends beyond the outer surfaces of the side walls to serve as a shock absorber.

As also pointed out in the previous response, the purpose of so-called "elastomeric member" 54 is to absorb forces between the upper and lower housing sections 58, 56, not to receive impacts which would otherwise strike the housing. Member 54 does not extend or project from the housing.

In addition to the confusion about faces 76, 96 of the elastomeric member being shock absorbing elements, the Examiner is further mistaken in suggesting that those elements are connected to sealing surface 92 by runners 78, 80. Elements 80 are not runners at all, but rather washers at ends of runners 78 (Col. 4, lines 11 - 13). Moreover, runners 78 do not extend between faces 76, 96 and sealing surface 92, but rather between interior surface face 74 to washers 80 (*Id.*).

Claim 10 distinguishes over Ribeiro in calling for a housing having base and cover sections, and a combined sealing gasket and shock absorbing structure formed integrally

of an elastomeric material with a generally planar sealing portion disposed between the base and cover sections of the housing and a plurality of discrete shock absorbing elements extending outwardly from the sealing portion and projecting from different sides of the housing, with at least one of the elements projecting from the housing in a direction substantially perpendicular to the plane of the sealing portion. That structure is not even remotely suggested by Ribeiro.

Claims 11 - 12 and 17 - 18 depend from Claim 10 and are directed to allowable subject matter for the same reasons as their parent claim. In addition, they call for additional elements which are not found in Ribeiro. In that regard, Claim 11 specifies that the shock absorbing elements are connected to the sealing portion by runners which are embedded in the walls of the housing, and Claim 12 specifies that the runners are embedded in recesses near the corners of the housing and held in place by cornerpieces retained by fasteners that also hold the base and cover sections of the housing together.

Claim 17 further distinguishes in calling for a mounting pad which projects from the housing and a shock absorbing fender spaced laterally from the mounting pad. Claim 18 depends from Claim 17 and further specifies that the mounting pad and fender are formed integrally with the housing.

Claims 10 and 14 have once again been rejected under 35 U.S.C. §102 as being anticipated by Crockett (U.S. 5,550,712). Reconsideration and withdrawal of that rejection is again requested.

Crockett shows a housing formed in two sections 16, 18 with printed circuit board 14 mounted on isolation members in the form of elastomeric grommets 22 within the housing. A so-called "bumper seal" is interposed between the housing sections and extends outwardly from the housing as shown in Figure 3. The bumper seal has a single bead that projects outwardly from the housing, and it provides shock isolation only for shocks impinging within the plane of the bumper itself. No shock absorbing elements project from the housing in a direction substantially perpendicular to the plane of the sealing portion.

Claim 10 distinguishes over Crockett in calling for a housing having base and cover sections, and a combined sealing gasket and shock absorbing structure formed integrally of an elastomeric material with a generally planar sealing portion disposed between the base and cover sections of the housing and a plurality of discrete shock absorbing elements extending outwardly from the sealing portion and projecting from different sides of the housing, with at least one of the elements projecting from the housing in a direction

substantially perpendicular to the plane of the sealing portion. Without a plurality of discrete shock absorbing elements extending outwardly from the housing and at least one of the elements projecting from the housing in a direction substantially perpendicular to the plane of the sealing portion, Crockett does not anticipate, and the rejection is clearly erroneous.

Claim 14 depends from Claim 10 and is directed to allowable subject matter for the same reasons as its amended parent claim. In addition, it further specifies that the shock absorbing elements are tapered and decrease in cross-sectional area away from the housing. The Examiner is mistaken in suggesting that Crockett discloses a plurality of discrete shock absorbing elements that are tapered and decrease in cross-sectional area away from the housing.

Claims 24 and 25 have been rejected under 35 U.S.C. §102 as being anticipated by Lelong et al. (U.S. 2003/0035271). Reconsideration and withdrawal of that rejection is also requested.

Lelong et al. pertains to a hard disk drive cage having "keepers" or doors 21, 22 with leaf springs 38 that bear inwardly against the drive rails to hold the drives in place when the keepers are in their closed positions. The leaf springs do not extend from the cage for receiving impacts that would otherwise strike the cage, having them do so would prevent them from performing their stated function of bearing against the drive rails to hold the drives in place.

Claim 24 distinguishes over Lelong et al. in calling for a housing to which a fragile element is rigidly mounted, and a plurality of leaf springs formed integrally with and extending from the housing for receiving impacts that would otherwise strike the housing. In order to further clarify the difference, Claim 24 is being amended to specify that the leaf springs extend outwardly from the housing. Without leaf springs that extend outwardly from a housing for receiving impacts that would otherwise strike the housing, Lelong et al. does not anticipate, and the rejection is clearly erroneous.

Claim 25 depends from Claim 24 and further distinguishes over Lelong et al. in specifying that the leaf springs overlie one side of the housing.

Finally, Claims 22 and 34 have been rejected under 35 U.S.C. §103 as being unpatentable over Noda et al. in view of Bodo (U.S. 5,190,251).

Claims 22 and 34 depend from Claims 19 and 1 and are directed to patentable subject matter for the same reasons as their amended parent claims. In addition, Claim 22 further specifies that the housing, the mounting pad, and the fender are fabricated

of a plastic material, and Claim 32 specifies that the housing and the fenders are fabricated of a plastic material.

Noda et al. is discussed above, and Bodo is cited as teaching an elastic material that is made from plastic and used for absorbing vibration and shock. What Bodo actually shows is a vibration-damping mount for pipelines such as brake lines in motor vehicles. It does not even remotely suggest the use of the material used for that purpose in a shock resistant enclosure having the other elements of applicant's invention.

With this amendment, it is respectfully submitted that Claims 1 - 3, 5 - 12, 14, 17 - 25, and 32 - 35 are all directed to patentable subject matter and that the application is in condition for allowance.

The Commissioner is authorized to charge any fees required in this matter, including extension fees, to Deposit Account 50-2975, Order No. A-71673.

Respectfully submitted,

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